

United States District Court
STATE AND DISTRICT OF MINNESOTA

UNITED STATES OF AMERICA

V.

JOSE SALGADO-VIRGIL

CRIMINAL COMPLAINT

Case Number:

12 MS-96-SER

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about February 23, 2012, in Lyon County, in the State and District of Minnesota, defendant(s)

an alien who had previously been removed from the United States on or about June 21, 2010, subsequent to a conviction for an aggravated felony, namely: Assault in the Third Degree, in the State of Minnesota, on or about June 2, 2005, knowingly and unlawfully was found in the United States without obtaining permission from the Attorney General or the Secretary of Homeland Security to re-apply for admission into the United States,

in violation of Title 8, United States Code, Section(s) 1326(a) and (b)(2).

I further state that I am a(n) Deportation Officer and that this complaint is based on the following facts:

SEE ATTACHED AFFIDAVIT

Continued on the attached sheet and made a part hereof: ☒ Yes ☐ No



Signature of Complainant

Angela Minner

U.S. ICE

Sworn to before me, and subscribed in my presence,

March 2012 2:08 PM

Date

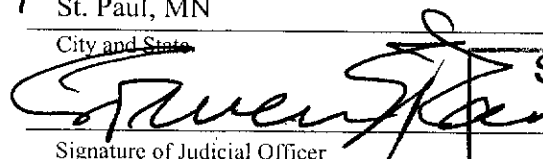
at

St. Paul, MN

City and State

The Honorable Steven E. Rau
UNITED STATES MAGISTRATE JUDGE

Name & Title of Judicial Officer



Signature of Judicial Officer

SCANNED

MAR 19 2012

U.S. DISTRICT COURT ST. PAUL

STATE OF MINNESOTA)
) ss.
COUNTY OF RAMSEY)

AFFIDAVIT OF Angela Minner

Angela Minner, being duly sworn, deposes and states as follows:

1. I have been employed as a Deportation Officer with Immigration and Customs Enforcement (ICE) within the Department of Homeland Security since October 2009. I have been continuously employed within the Department of Homeland Security, and the former Immigration and Naturalization Service (INS), for the past nine years. I served as an Immigration Inspector with the former INS from October 2002 until March 2003, when the position was converted to Customs and Border Protection Officer, which I held until October 2009 when I assumed my current role as a Deportation Officer.
2. As a Deportation Officer, my duties and responsibilities include overseeing the removal proceedings of aliens. I am also responsible for making arrests of aliens, reviewing alien files (commonly known as "A-files") in connection with the detention and release of aliens in ICE custody, and making custody determinations.
3. This Affidavit is based on my training, experience, personal knowledge, discussions with other law enforcement officers and agents directly involved in this investigation, and my review of official reports and documents related to this investigation.
4. This Affidavit is made for the purpose of establishing probable cause in support of a federal arrest warrant, and therefore contains only a summary of relevant facts. Based upon all the facts and information set forth in this Affidavit, I believe that probable cause exists to support that, on or about February 23, 2012, in Lyon County, in the State and District of Minnesota, Jose SALGADO-Virgil, a citizen and national

of Honduras, unlawfully re-entered and was found in the United States after having been previously removed, without having obtained the consent of the Attorney General or his successor, the Secretary of Homeland Security, to re-apply for admission to the United States, and that SALGADO-Virgil's removal was subsequent to a conviction for commission of an aggravated felony, in violation of Title 8, United States Code, Sections 1326(a) and 1326(b)(2) and Title 6, United States Code, Sections 202 and 557.

5. On February 23, 2012, Defendant was encountered by the Marshall, MN Police Department, and was arrested for Driving Without a Valid License at the time of the encounter. Immigration Enforcement Agent (IEA) Josh Holien spoke with Defendant via a Criminal Alien Program (CAP) duty phone call on February 23, 2012, and determined that Defendant was an alien present in the United States without proper immigration documents which would allow Defendant to be in, pass through or remain in the United States legally, and an ICE detainer was placed on the Defendant.
6. On February 24, 2012, Defendant was released from the Lyon County Jail to ICE custody and was transported to the ICE office in Bloomington, MN for processing. The Defendant was advised of his Miranda Rights by IEA Jacob Onewokae. At the ICE facility, Defendant's fingerprints were rolled, scanned and electronically submitted into the Department of Homeland Security's Automated Biometric Identification System (IDENT) and the Federal Bureau of Investigations Integrated Automated Fingerprint Identification System (IAFIS). IDENT and IAFIS positively matched and linked Defendant's fingerprints to alien registration number A097 655

- 561, Federal Bureau of Investigations number 323357CC0 and DHS Fingerprint Identification number (FIN) 1097979074, revealing Defendant's previous immigration and criminal history.
7. On or about June 02, 2005, Defendant was convicted in the Kandiyohi County District Court of Assault in the Third Degree, in violation of Minnesota State Statutes Section 609.223.1, and was sentenced to one year and one day.
 8. Based on IAFIS and IDENT identification of Defendant's prior history, I reviewed Defendant's unique immigration alien file (hereinafter "A-file") A097 655 561. Defendant's A-file contains photographs, fingerprints and immigration documents identifying Defendant as a citizen and national of Honduras, who has been ordered removed and physically removed from the United States to Honduras on two (2) occasions prior to being found in the District of Minnesota in 2012. On December 8, 2009, Defendant was ordered removed from the United States to Honduras by the Field Office Director of the St. Paul, MN Immigration and Customs Enforcement Office. On January 8, 2010, Defendant was removed from the United States to Honduras via the New Orleans, LA port of entry, subsequent to his conviction for an Aggravated Felony. Subject re-entered the United States without inspection or authorization, and was again removed from the United States to Honduras on June 21, 2000, via the San Antonio, TX port of entry.
 9. Law enforcement has confirmed through fingerprints contained in Defendant's criminal history and immigration file that the individual named Jose SALGADO-Virgil referenced in those records is, in fact, the same person who is currently in ICE

custody and was encountered on February 23, 2012, by Immigration and Customs Enforcement Officers.

10. Defendant is subject to removal as an alien who re-entered the U.S. without permission by the Attorney General or Secretary of Homeland Security as defined in INA Section 241(a)(5) codified under 8 U.S.C. § 1231(a)(5). Defendant is currently detained in ICE custody as mandatory detention per INA Section 241(a)(2) codified under 8 U.S.C. § 1231(a)(2) due to his illegal re-entry to the United States.
11. My investigation has revealed that Defendant is a citizen and national of Honduras who makes no claim to United States citizenship or lawful permanent residence status in the United States, nor does he have documents to enter, pass through, or remain in the United States.
12. My investigation has revealed that since his last removal from the United States on June 21, 2010, Defendant has not applied for, nor received, permission to enter the United States from the Attorney General, his successor, the Secretary of Homeland Security, or any other designated and authorized representative.
13. Based on these facts, I have reason to believe that Jose SALGADO-Virgil is in violation of 8 U.S.C. Section 1326(a) & (b)(2) and Title 6, United States Code, Sections 202 and 557, Re-entry after removal, in that Defendant was ordered removed, subsequently removed, and then found in the United States without consent of the Attorney General, or the Secretary of the Department of Homeland Security, following the conviction of an aggravated felony.

14. Further Your Affiant Sayeth Not.



Angela Minner, Deportation Officer
Immigration and Customs Enforcement

SUBSCRIBED and SWORN to Before Me

This 9th day of March, 2012.



STEVEN E. RAU
United States Magistrate Judge